

MINUTES OF COUNCIL REGULAR MEETING – MARCH 2, 2010

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 2, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. MAYOR WINDER CALLED THE MEETING TO ORDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Corey Rushton
Steve Buhler
Carolynn Burt
Don Christensen
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
Layne Morris, Community Preservation Director
Buzz Nielsen, Police Chief
Stan Varney, Acting Fire Chief
John Janson, Acting CED Director
Steve Pastorik, CED Director
Owen Jackson, Administration
Jake Arslanian, Public Works Department

14841 **OPENING CEREMONY**

The Opening Ceremony was conducted by Mike Winder who invited Russell Cuff, resident of West Valley City, to sing, "God Bless America."

14842 **SCOUTS**

Mayor Winder welcomed Scout Troop No. 546 in attendance to complete requirements for the Communications merit badge.

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14843 **APPROVAL OF MINUTES OF STRATEGIC PLANNING MEETING HELD FEBRUARY 12, 2010**

The Council read and considered the Minutes of the Strategic Planning Meeting held February 12, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Buhler moved to approve the Minutes of the Strategic Planning Meeting held February 12, 2010, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

14844 **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 16, 2010**

The Council read and considered the Minutes of the Regular Meeting held February 16, 2010. There were no changes, corrections or deletions.

After discussion, Councilmember Buhler moved to approve the Minutes of the Regular Meeting held February 16, 2010, as written. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

14845 **COMMENT PERIOD**

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Upon inquiry by Mayor Winder, the following individuals addressed the City Council during the comment period:

Mike Markham, 3008 Alice Circle, addressed the City Council. Mr. Markham stated he had expressed some concern two years ago regarding tax money paid back to ATK, as the City had decided not to charge homeowners. He indicated the City now needed the money to avoid having furloughs for their employees.

Chuck Lindsay addressed the City Council. Mr. Lindsay expressed concern regarding speeding on 5200 West and the need for a stop sign. Mayor Winder suggested to Mr. Lindsay that he discuss the issue with the Public Works Director.

14846

PUBLIC HEARING, APPLICATION NO. GPZ-2-2009, FILED BY ENSIGN ENGINEERING, REQUESTING TO AMEND THE WEST VALLEY CITY GENERAL PLAN BY RECLASSIFYING 0.72 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4085 SOUTH 4000 WEST FROM NON-RETAIL COMMERCIAL TO NEIGHBORHOOD COMMERCIAL AND AMEND THE ZONE FROM 'RM' (RESIDENTIAL MULTI-FAMILY) ZONE TO 'C-1' (NEIGHBORHOOD COMMERCIAL) ZONE

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GPZ-2-2009, filed by Ensign Engineering, requesting to amend the West Valley City General Plan by reclassifying 0.72 acres of property located at approximately 4085 South 4000 West from Non-Retail Commercial to Neighborhood Commercial and amend the zone from 'RM' (Residential Multi-Family) zone to 'C-1' (Neighborhood Commercial) zone. He discussed proposed Ordinance Nos. 10-05 and 10-06 and proposed Resolution No. 10-22 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Mr. Pyle stated Ensign Engineering had submitted the application for a 0.72 acre parcel currently zoned 'RM' (Residential, Multi-Family) with a General Plan designation of Non-Retail Commercial. He further stated the 'RM' zoning on the property had been in place at the time the City incorporated in 1980. He indicated the proposed zone would be 'C-1' (Neighborhood Commercial) and the proposed General Plan designation would be Neighborhood Commercial.

The City Manager explained surrounding zones included 'RM' to the north and south, 'RB' (Residential Business) to the east, and 'C-1' to the west. Surrounding land uses included a single-family home and townhomes to the south, a convenience store to the west, a single-family home to the north and a doctor's office to the east. He further explained the existing 2,459 square foot building on

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the property had been built in 1951 as a single-family dwelling. In 1975, the building had been converted to commercial use and used for a credit union and a preschool/daycare center. In 2008, the Planning Commission approved a conditional use permit for SG Tax Service to provide commercial bookkeeping services. He further stated the applicants did not follow through with the application and a business license had never been obtained. Due to the poor condition of the subject property, the conditional use permit included a long list of conditions related to the repair and enhancement of the property. He stated, at present, the building was boarded up.

City Manager, Wayne Pyle, reported the Council had received a copy of a letter from Cameron Duncan with Ensign Engineering stating why he believed the application should be approved. He advised if the application was approved, the property owners intended to demolish the existing building and construct a new strip mall. He stated the Council also received a copy of the concept plan. He indicated the property owners had two potential tenants in mind – a tax service and a Tongan grocery store. He reported the proposed use would be reviewed as a conditional use in the 'C-1' zone.

City Manager, Wayne Pyle, presented proposed Resolution No. 10-22 which would authorize the City to enter into a Development Agreement with Thang Pham and Loan Luu for approximately 0.72 acres of real property being developed in the vicinity of 4085 South 4000 West.

Mr. Pyle stated Ensign Engineering, representing Thang Pham and Loan Luu, had submitted a General Plan/zone change request, Application No. GPZ-2-2009, to change 0.72 acres of property from Non-Retail Commercial to Neighborhood Commercial in the General Plan and from the 'RM' (Residential Multi-Family) zone to the 'C-1' (Neighborhood Commercial) zone. He also stated City staff and the Planning Commission had recommended a Development Agreement in conjunction with the General Plan/zone change to help the new building planned be compatible with the residential character of 4100 South.

The City Manager reported the proposed agreement contained the following requirements: 1) All new buildings built on the property shall have a pitched roof with no parapet walls; and 2) All parking shall be placed to the north or east of all new buildings.

Mayor Winder opened the public hearing.

Cameron Duncan, Ensign Engineering, 90 E. Fort Union Boulevard, Midvale, (applicant) addressed the City Council. Mr. Duncan discussed requirements of the Planning Commission as part of that approval. He expressed concerns regarding the building being proposed to locate on the front and parking on the back of the

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property. He stated the concerns included safety, vandalism, functionality, parking, impacts on adjacent residents, overall feeling of development, and marketability of the tenants if the building did not face the street. He further stated if the building was to match the residential feel of the neighborhood it should also face the street, as did others in the area. Mr. Duncan referenced a letter included in the Council's informational packet regarding this application. He answered questions from members of the City Council regarding where the main entrance would be if the building were situated as drawn. Mr. Duncan also advised his clients remained interested in building a quality project.

There being no one else to speak either in favor or in opposition, Mayor Winder closed the public hearing.

Upon discussion, Steve Pastorik, CED Department, answered questions from members of the City Council regarding the difference between the 'C-1' and 'RB' zones and types of uses allowed in each. He answered questions regarding if there were restrictions in hours of operation in the 'C-1' zone and how adamant the Planning Commission had been regarding location of the building on the site. Mr. Pastorik advised regarding staff's recommendation of building location and commercial design standards, all as outlined in documentation included in the Council's agenda packet.

Councilmember Burt stated a business could not be invisible and stay profitable. She stated the applicant would need twice as much signage and advertising with the Planning Commission's desired placement of the building on the site. She expressed the opinion it would be better with placement as proposed by the applicant.

Councilmember Buhler discussed his vision of seeing the building with beautiful landscaping that would draw people in.

Councilmember Rushton stated there were three issues to consider, the General Plan amendment, the zoning amendment, and the development agreement.

Councilmember Christensen stated he lived in the subject area and discussed the surrounding uses. He stated there were not many residents that would be directly affected by the proposed development.

Councilmember Vincent stated moving buildings closer to streets worked on larger properties if the buildings could face each other. He indicated this could be a negative impact on a smaller parcel and discussed an example which was located on the corner of 3500 South and 3600 West.

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ACTION: ORDINANCE NO. 10-05, AMENDING THE GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM NON-RETAIL COMMERCIAL TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED AT APPROXIMATELY 4085 SOUTH 4000 WEST

The City Council previously held a public hearing regarding Application No. GPZ-2-2009 and proposed Ordinance No. 10-05 which would amend the General Plan to show a change of land use from Non-Retail Commercial to Neighborhood Commercial for property located at approximately 4085 South 4000 West.

After discussion, Councilmember Rushton moved to approve Ordinance No. 10-05, an Ordinance Amending the General Plan to Show a Change of Land Use from Non-Retail Commercial Land Uses to Neighborhood Commercial Land Uses for Property Located at Approximately 4085 South 4000 West. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

ACTION: ORDINANCE NO. 10-06, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 4085 SOUTH 4000 WEST FROM ZONE ‘RM’ (RESIDENTIAL MULTI-FAMILY) TO ‘C-1’ (NEIGHBORHOOD COMMERCIAL) ZONE

The City Council previously held a public hearing regarding Application No. GPZ-2-2009 and proposed Ordinance No. 10-06 which would amend the Zoning Map to show a change of zone for property located at approximately 4085 South 4000 West from zone ‘RM’ (Residential Multi-Family) to ‘C-1’ (Neighborhood Commercial) zone.

After discussion, Councilmember Vincent moved to approve Ordinance No. 10-06, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at Approximately 4085 South 4000 West from Zone ‘RM’

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(Residential Multi-Family) to ‘C-1’ (Neighborhood Commercial) Zone. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

ACTION: RESOLUTION NO. 10-22, AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THANG PHAM AND LOAN LUU FOR APPROXIMATELY 0.72 ACRES OF REAL PROPERTY BEING DEVELOPED IN THE VICINITY OF 4085 SOUTH 4000 WEST

The City Council previously held a public hearing regarding Application No. GPZ-2-2009 and proposed Resolution No. 10-22 which would authorize the City to enter into a Development Agreement with Thang Pham and Loan Luu for approximately 0.72 acres of real property being developed in the vicinity of 4085 South 4000 West.

After discussion, Councilmember Burt moved to approve Resolution No. 10-22, a Resolution Authorizing the City to Enter Into a Development Agreement with Thang Pham and Loan Luu for Approximately 0.72 Acres of Real Property Being Developed in the Vicinity of 4085 South 4000 West; and strike #2 from Exhibit B. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

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RESOLUTION NO. 10-23, AWARD A CONTRACT TO R & D EXCAVATING, LCC, AND AUTHORIZE EXECUTION OF A CONTRACT FOR THE 6400 WEST STORM DRAIN PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-23 which would award a contract to R & D Excavating, LLC, and authorize execution of a contract in the amount of \$127,249.00 for the 6400 West Storm Drain Project.

Mr. Pyle stated the project was located on 6400 West extending from 3500 South to 3270 South. He reported bids had been solicited and 31 bids had been received, as follows:

R & D Excavating	\$127,249.00
Westbrook Construction	\$138,965.00
Extreme Excavating	\$150,929.00
HOG Excavating	\$153,991.00
Cody Ekker Construction	\$158,060.00
Western Excavating	\$159,888.50
Newman Construction	\$167,672.95
GEC Construction, Inc.	\$168,138.93
Regency Excavation	\$168,972.00
Stapp Construction	\$169,710.00
Blaine Home Excavating	\$175,513.42
Lyndon Jones Construction	\$175,856.00
Dymock Construction	\$182,132.79
Innovative Excavation	\$190,112.00
Jordan Valley Construction	\$191,422.50
Camelot Excavation	\$195,000.00
Rino Construction	\$196,566.70
RT Excavation	\$197,325.63
Sunroc	\$199,020.00
Johnston and Phillips	\$200,020.10
Reynolds Brothers	\$205,063.72
B. Jackson Construction	\$206,245.00
Mickelsen Excavation	\$208,427.10
Civil Constructors	\$211,127.00
Kapp Construction	\$223,779.50
Spade Excavating	\$231,514.50
Wardell Brothers Construction	\$231,604.75
Associated Brigham Contractors	\$240,750.00
Harper Contracting	\$241,227.71
BD Bush Excavation	\$245,510.44

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Dwight D. Peterson

\$246,906.00

The City Manager stated R & D Excavating, LLC, had submitted the lowest responsible bid.

Mr. Pyle reported the project consisted of installation of curb and gutter and asphalt to improve the intersection at 3500 South, installation of a storm drain line consisting of reinforced concrete pipe and cleanout boxes, and other minor tie-ins to the existing storm drain system, and other work associated with storm drain work.

The City Manager further reported the project had originally been bid and awarded to Nichols Development in the amount of \$153,112.12 during the summer of 2009. He indicated the contract had mutually been rescinded by both parties after Nichols failed to start the project in a manner that would allow completion before the winter weather.

After discussion, Councilmember Vincent moved to approve Resolution No. 10-23, a Resolution Awarding a Contract to R & D Excavating, LLC and Authorizing the Execution of a Contract for the 6400 West Storm Drain Project. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

14848

RESOLUTION NO. 10-24, AUTHORIZE PURCHASE OF A MINI MOBILE COMMAND VEHICLE FROM WARNER TRUCK CENTER FOR USE BY THE POLICE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-24 which would authorize purchase of a mini mobile command vehicle from Warner Truck Center, in an amount not to exceed \$45,000.00, for use by the Police Department.

Mr. Pyle stated the Police Department had acquired funding from the 2009 JAG Grant and desired to purchase the subject vehicle for use by the Department. He advised Warner Truck Center had been recommended as the sole source supplier for a new 2008 Freightliner High Roof Sprinter 3500 Van with a 170-inch

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wheelbase that fit the Department's needs. He stated as the vehicle was a new 2008 model it was not available under State contract and was currently the only vehicle of its kind in the state that met the necessary specifications.

City Manager, Wayne Pyle, requested this item be continued.

After discussion, Councilmember Vincent moved to continue proposed Resolution No. 10-24 for two weeks to the Regular Council Meeting scheduled March 16, 2010, at 6:30 P.M. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous. Proposed Resolution No. 10-24 continued to March 16, 2010.

14849

CONSENT AGENDA:

A. RESOLUTION NO. 10-25, APPROVE A RIGHT-OF-WAY AGREEMENT WITH DOUG C. DENSLEY FOR PROPERTY LOCATED AT 3357 SOUTH 7200 WEST, AND ACCEPT A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-25 which would approve a Right-of-Way Agreement with Doug C. Densley for property located at 3357 South 7200 West, and accept a Warranty Deed and Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Doug G. Densley had signed the Right-of-Way Agreement, Warranty Deed and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He indicated the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He also reported compensation for purchase of the right-of-way and the

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easement would be in the amount of \$6,200.00. He explained the amount had been negotiated based upon an appraisal prepared by Free and Associates, Inc. that indicated a value of \$5,800.00.

B. RESOLUTION NO. 10-26, APPROVE A RIGHT-OF-WAY AGREEMENT AND RIGHT-OF-ENTRY AGREEMENT WITH LONNIE W. SHAW AND BONNIE SHAW FOR PROPERTY LOCATED AT 3327 SOUTH 7200 WEST, AND ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-26 which would approve a Right-of-Way Agreement and Right-of-Entry Agreement with Lonnie W. Shaw and Bonnie Shaw for property located at 3327 South 7200 West, and accept a Grant of Temporary Construction Easement for the 7200 West Improvement Project.

Mr. Pyle stated Lonnie W. Shaw and Bonnie Shaw had signed the Right-of-Way Agreement, Right-of-Entry Agreement, and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He also reported the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He stated compensation for purchase of the right-of-way would be \$15,500.00 based upon an appraisal prepared by Free and Associates, Inc. He indicated a partial reconveyance document from the owners' mortgage company would be required for the City to obtain clear title to the property. He also indicated as the process could take up to several months, the owners had signed a Right-of-Entry Agreement to allow construction to proceed while the City worked to obtain a partial reconveyance from the mortgage company. He stated a warranty deed would be recorded after receipt of the partial reconveyance document and payment would be subject to receipt of that reconveyance document.

C. RESOLUTION NO. 10-27, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM THOMAS MICHAEL MANSFIELD FOR PROPERTY LOCATED AT 2753 SOUTH 7200 WEST FOR THE 7200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 10-27 which would accept a Grant of Temporary Construction Easement from Thomas Michael Mansfield for property located at 2753 South 7200 West for the 7200 West Improvement Project.

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Mr. Pyle stated Thomas Michael Mansfield had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the 7200 West Improvement Project extending from SR-201 to 3500 South on both sides of 7200 West. He also reported the project was being constructed in conjunction with Salt Lake County who would be responsible for improvements on the west side of 7200 West. He indicated the Grant of Temporary Construction Easement would allow the contractor to make the necessary tie-ins to the owner's property. He advised that compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2011.

D. RESOLUTION NO. 10-28, AUTHORIZE THE CITY TO ACCEPT AND RECORD A WARRANTY DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM THE FRATERNAL ORDER OF EAGLES #3285, INC., FOR PROPERTY LOCATED AT 4565 WEST 3500 SOUTH FOR SIDEWALK ON 3500 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 10-28 which would authorize the City to accept and record a Warranty Deed and Grant of Temporary Construction Easement from the Fraternal Order of Eagles #3285, Inc. for property located at 4565 West 3500 South for sidewalk on 3500 South.

Mr. Pyle stated the Fraternal Order of Eagles #3285, Inc. had agreed to donate property and had signed a Warranty Deed and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of the Sidewalk Projects on State Highways (2010) which would construct sidewalk and related improvements at various locations on 3500 South in West Valley City. He indicated the property owner had agreed to donate that portion of property required to allow for construction of the project. He also reported the project was being constructed with funding from the State Safe Sidewalk Program.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 10-25, 10-26, 10-27 and 10-28 as presented on the Consent Agenda. Councilmember Burt seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Buhler	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 2, 2010, WAS ADJOURNED AT 7:08 P.M., BY MAYOR WINDER.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, March 2, 2010.

Sheri McKendrick, MMC
City Recorder